

**UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF MICHIGAN
SOUTHERN DIVISION**

VERVE, L.L.C,

Plaintiff,

v.

Case No. 99-CV-76096 DT

CRANE CAMS, INC., CROWER
CAMS EQUIPMENT CO., TREND
PRODUCTS, INC., and
COMPETITION CAMS, INC.

Honorable Arthur J. Tarnow
United States District Judge

Defendants.

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**ORDER CLARIFYING COURT'S PREVIOUS
SUMMARY JUDGMENT ORDER [165]**

This is a patent infringement case involving Claims 1 and 13 of Plaintiff's U.S. Patent No. 4, 850, 315 (the '315 patent). On May 11, 2005, the Court issued an order denying Defendants' motion for summary judgment of invalidity and granting in part Defendants' motions for summary judgment of non-infringement [165].

On July 21, 2005, Plaintiff's counsel submitted a letter to the Court expressing the parties' disagreement as to whether or not the Court's summary judgment order applied to both Claim 1 and Claim 13 of the '315 patent. On July 29, 2005, Defendants' counsel submitted a letter clarifying Defendants' position.

The Court has reviewed its previous summary judgment order as well as the parties' letters. The Court finds that the only reasonable interpretation of its

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summary judgment order as well as the Federal Circuit's opinion in this case, *see Verve LLC v. Crane Cams, Inc.*, 311 F.3d 1116 (Fed. Cir. 2002), is that Claim 1 and Claim 13 should be construed together. In other words, the proper construction of Claim 13 is limited to a method for producing the push rod disclosed in Claim 1.

Because the Court's summary judgment order [165] applies equally to Claim 1 and Claim 13 of the '315 patent,

IT IS HEREBY ORDERED AND CLARIFIED that Defendants' motion for summary judgment of non-infringement is GRANTED as to Claim 13 of Plaintiff's 315 patent only to the extent that the methods accused of infringement produce push rods which maintain a uniform diameter along their middle portion.

IT IS SO ORDERED.

s/ Arthur J. Tarnow
Arthur J. Tarnow
United States District Judge

Dated:

I hereby certify that a copy of the foregoing document was served upon counsel of record on August 2, 2005, by electronic and/or ordinary mail.

s/Theresa E. Taylor
Case Manager